



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
04/543,880	10/20/83	TAKAYA	T 181730CIP182

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EXAMINER	
COUGHLAN, P	
ART UNIT	PAPER NUMBER
122	3

DATE MAILED: 12/17/84

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-23 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-23 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved, ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☒ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Acknowledgment is made of applicant's claim for priority based on an application filed in Great Britain on October 20, 1984 . It is noted, however, that applicant has not filed a certified copy of the British application as required by 35 U.S.C. 119.

This application does not contain an Abstract of the Disclosure as required by 37 CFR 1.72(b). An Abstract on a separate sheet is required.

The content of a patent abstract should enable the reader, regardless of the degree of familiarity with patent documents, to ascertain quickly the character of the subject matter covered by the technical disclosure, and should include that which is new in the art to which the invention pertains. The abstract is not intended nor designed for use in interpreting the scope or meaning of the claims, 37 CFR 1.172 (b).

Claims 1-23 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-24 and 1-25 of applicant's copending applications Serial Nos. 579,954 and 638,784 . This is a double patenting rejection.

Claims 20, 21 and 23 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to par-

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ticularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Markush group of processes is not proper since there are various divergent reactants and products in said processes. See MPEP Section 706.03 (y). Claim 22 is not clearly directed to any particular type of pharmaceutical composition containing any amount of cepbrens. The term "use of a compounds" does not definitely define a method of treatment.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103 as being unpatentable over Numata et al .

The claimed processes are considered obvious since they are well known with such closesly related celpheno

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as those of Numata et al. Weir and Clark et al are cited to show state of the art in relation to 3-vinyl cephalosporins.

Coughlan:wcg

A/C 703

557-3920

12/13/84



Donald G. Daus
Supervisory Patent Examiner
Art Unit 122